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By order,
MILTON Y. KIDD,
*Chief Clerk.*

# MEMORIAL

OF THE

# Visitors and Governors

OF

# WASHINGTON COLLEGE

TO THE

## GENERAL ASSEMBLY OF MARYLAND,

## January Session, 1874.

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1874.

# MEMORIAL

OF THE

# VISITORS AND GOVERNORS OF WASHINGTON COLLEGE.

*To the Honorable*
*The General Assembly of Maryland:*

The Visitors and Governors of Washington College, of Kent county, Maryland, respectfully submit this Memorial to your Honorable Bodies, and relying upon the justice of the relief they ask, pray it may receive your favorable consideration.

Washington College was incorporated by the Act of 1782, chapter 8, by which certain persons therein named were authorized to receive subscriptions in aid of the Institution, and to do other acts necessary to complete its organization.

Under this authority, ten thousand pounds (£10,000) were raised by private subscription, in aid of the enterprise, and the Legislature approving the effort thus made, and fully recognising the duty of the State to encourage and foster Institutions of learning, did, in order to secure the success of the College, by the Act of 1874, chapter 7, agree to pay annually and *forever* thereafter, to Washington College the sum of twelve hundred and fifty pounds (£1250). The second section of the Act is as follows: "Be it enacted, &c., That the sum of twelve hundred and fifty pounds (£1250) current money be annually and forever hereafter, given and granted as a donation by the public, to the use of Washington College, to be applied to the payment of salaries, to the Principal, Professors and Tutors of said College."

By the Act of 1874, chapter 37, St. John's College was incorporated and provision made for an annual donation of seventeen hundred and fifty pounds (£1750). By the 33d section of that Act, it is provided "that Washington College, on the Eastern Shore, and St. John's College on the Western Shore, shall be, and they are hereby declared to be, one University, by the name of the University of Maryland."

The State, however, forgetting the pledge she had made to Washington College, did, by the Act of 1798, chapter 107, withdraw five hundred pounds of the annual donation she had solemnly agreed to make, and by the Act of 1805, chapter 85, the donation to Washington and St. John's Colleges, were wholly and entirely discontinued. From this time the State gave no aid to Washington College until 1811, when, by resolution 51, the Treasurer was directed to pay to the College, the annual sum of eight hundred dollars ($800), which was reduced in 1834, by resolution 64, to five hundred dollars, and so continued until 1848. By resolution 31, of that year, (1848,) an additional annual sum of fifteen hundred dollars ($1500) was granted to Washington College, in consideration of which, the Visitors and Governors were required to board, educate and provide all necessary books and stationary, to one scholar from each of the then existing counties on the Eastern Shore. By the Act of 1856, chapter 219, the additional sum of one thousand dollars was granted, to increase the compensation for boarding and educating the free scholars from the Eastern Shore counties; and after Wicomico county was organised, the Legislature, by Act of 1870, chapter 339, granted the further sum of $375, for the education and support of a student from that county; making therefore, the annual donation from the State at the time, three thousand three hundred and seventy-five dollars ($3,375,) for which the College furnishes board, tuition, books and stationery to one student from each county on the Eastern shore.

By an examination of the Acts of 1782 and 1784, it will appear that the Legislature not only approved of the institutions of learning, but also deemed it the duty of the State, to give them public encouragement and assistance. With this view and in order to secure permanent and uninterrupted pecuniary aid, the State pledged herself to pay annually, and *forever*, the sum of twelve hundred and fifty pounds (£1250) to the College and dedicated the revenue derived from certain licenses, &c., to that purpose. It must be evident to every intelligent mind that the Act of 1805, chapter 85, by which this donation was discontinued, was a violation by the State, of her contract. But this is not now a matter of speculation, as it has been decided by the Court of Appeals of this State,

in the case of the Visitors and Governors of St. John's College vs. the State, reported in 15 Maryland Reports, page 330.

The Acts, establishing Washington and St. John's Colleges are very similar, and the sections making the donations to these respective institutions, are in languoge, identical.

The Act of 1805, chapter 85, discontinued the donations to both, and the validity of this Act was the question submitted to that tribunal. By resolution No. 41, of 1832, the annual sum of $2,000 in addition to the sum of $1,000 given in the year 1811, had been granted to St. John's, with the express proviso that it should be accepted in full satisfaction of all legal or equitable claims against the State, as was subsequently required of Washington College, by resolution 31 of 1848, to which we have before referred. Notwithstanding this exaction by the State, the Court of Appeals decided, in the case to which we have made reference; 1st, That the annual appropriation to St. John's by the Act of 1784, chapter 37, constituted a contract on the part of the State, which could not be legally repealed by the Act of 1805, chapter 85. 2nd, That the Act of 1805, chapter 85, was a violation of the Constitution of the United States, which declares that no State shall pass any law, impairing the obligation of contracts. 3rd, That the Act of 1784, chapter 37, constituted such a contract, as would if entered into between individual citizens be legally binding between them.

The charter of Washington College is in every respect bearing upon this question, similar to the Act incorporating St. John's, and her case is one case. The original donations were granted for the same special purposes, and with the same general intent, as set forth in the preamble of the Acts. The consideration in each case was the same; the subscriptions present and prospective of private persons, and the perpetual advancement and encouragement of education under State patronage.

Conceding that the Act of 1805, was unconstitutional and void, and that Washington College should have received £1250 annualy from the year 1784, there would be due to the College at this time, one hundred and forty-one thousand one hundred and thirty-five dollrrs ($141,135.00). Not only is this amount now in arrear, but we have as a return for the

amount actually received, furnished free board and tuition to one scholar from each county on the Eastern Shore, although the donation was originally granted for the express purpose of paying the salaries of the Professors.

In calling the attention of the Legislature to the large amount in arrear under the Act of 1784, it is not for the purpose of making a demand for its payment, but to show that there is strong and equitable ground for the aid we now respectfully ask.

The Acts incorporating Washington and St. John's Colleges, declare the intention of the Legislature to establish a College on the Eastern, and also on the Western Shore of the State. The two geographical divisions of the State were recognized as equally entitled to assistance, and to harmonize their interest, they were by the Act of 1874 declared to be one university. For many years they experienced the same vicissitudes of fortune, under which their capacity for usefulness was much impaired.

The Legislature, however, recognizing the claim of St. John's, did by the Act of 1866, chapter 101, in addition to the sum of three thousand dollars then annually paid, grant to that institution, the sum of twelve thousand dollars annually, for the term of five years, and by an Act of 1872, chapter 393, continued their additional annual appropriation of twelve thousand dollars for a further term of six years, and also granted an additional annual sum of ten thousand dollars to be applied in furnishing board and tuition to two students for each Senatorial District of the State; and by the same Act granted to that College five thousand dollars to be applied to the improvement of its library, laboratory, philosophical apparatus and cabinet.

We refer to this legislation in behalf of St. John's, in no spirit of complaint or censure, but, on the contrary, cordially commend it. We recognized it as an acknowledgement by the State of the injustice heretofore done to that Institution, and a willingness on her part to repair the wrong which, however unwittingly, was not the less certainly caused by prior legislation.

We also ask the Legislature to aid and relieve Washington College, not as a mere gratuity, but we are willing and

desire to make ample return for the assistance the State may extend to us.

Under the terms of our present donation we educate any board, free of charge, one scholar from each county on the Eastern Shore, and furnish them with books and stationery during the collegiate course. We now respectfully propose that the number of scholars shall be increased to two from each county of the Eastern Shore, all of whom shall receive board, tuition, books and stationery free of charge; and that we shall receive annually from the State the sum of $3,375.00 in addition to the amount now paid.

The State may justly ask some return from those who are thus liberally educated at her expense, and to accomplish this, the students may be required, after the termination of their college course, to teach in the public schools of the State, for such time as the Legislature in its wisdom may propose. It is generally believed that the qualifications of the teachers in our public schools, at least in the rural districts, are below the standard necessary for the proper discharge of their duties. Should Normal Schools be organized, or any other plan be adopted to secure the service of more competent teacher, we respectfully submit that the plan we have suggested will materially aid in accomplishing that object.

It is manifest from the terms of the resolution of 1858, by which the claim of St. John's College against the State, was referred to the Court of Appeals, that the question was submitted in order that the State might repair any injury done to that institution, by previous legislation. The Legislature recognising the obligations of the State, under that decision has made some reparation to St. John's, for the losses she has sustained, as that institution now receives annually from the State, the sum of twenty-five thousand dollars ($25,000.) Washington College on the contrary receives three thousand three hundred and seventy-five dollars, ($3,375.00) which is expended in the education and board of the scholars appointed by the Eastern Shore counties.

On account of the reduced condition of our means, we have been unable to make such additions to the library as are absolutely necessary for the use of the students. The Philo-

sophical and Chemical Apparatus, also need repairing and some additions, in order that full and thorough instruction may be given in the Physical Sciences. We therefore respectfully ask a small appropriation for these purposes.

During the past vacation, the College buildings have been thoroughly repaired. They are now in good condition and can accommodate one hundred and fifty, to two hundred students. The Faculty has been re-organised and is now composed of gentlemen of the highest attainments in their respective branches. Prof. Rivers the Principal of the College, and who for seventeen years was a professor in the University of South Carolina, has high reputation as a scholar, and possesses the highest qualifications of an eminant and successful teacher.

We have every reason to belive that with the additional aid we now ask from the State, that Washington College, can be restored to her former condition of usefulness and prosperity. Favorably located and being the only College on the Eastern Shore, it cannot be doubted, that her success will be a great public benefit.

We earnestly ask a careful consideration of the facts set forth in this memorial and particularly of the Acts of Assembly to which we have referred. We have stated briefly yet impartially the substance of those Acts, so far as they are material, but are convinced that a thorough examination by the Legislature, will be the strongest argument we can make in support of our memorial.

Which is respectfully submitted,

JOS. A. WICKES,
*President.*
JAMES A. PEARCE,
*Secretary.*
JOHN L. STAM,
THOMAS D. C. RUTTS,
GEO. W. T. PERKINS,
W. S. WALKER,
N. G. WESTCOTT,
W. N. E. WICKES,
RICHARD HYNSON,
GEO. B. WESTCOTT,
D. C. BLACKISTON,
*Visitors.*

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